

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4256 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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SHAH DAHYALAL NATHALAL

Versus

STATE OF GUJARAT

1. Whether Reporters of Local Papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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Appearance:

MR HM PARIKH for Petitioner

MR APOORVA VYAS, AGP, for Respondent No. 1

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 09/09/97

ORAL JUDGEMENT

Heard Mr Parikh for the petitioners and Mr Vyas,
AGP for the respondents. RULE. Rule returnable

forthwith. Both the advocates have made their submissions.

2 These petitions raise mainly one question of law.

The petitioner has applied for a plot of land situated in Sector 21 at Gandhinagar. Minimum expected price of the land was Rs.1000 per sq. meter whereas the petitioner had offered Rs.1,323 and turned out to be the highest bidder. It appears that in spite of the highest bid of the petitioner, the petitioner's bid was not accepted because higher amount was given for some other plot of land situated nearby the said land. That is how the said auction was rejected by an order 24.2.1986 passed by the District Collector. This order has been confirmed by the Deputy Secretary, Revenue Department, by an order dated 12th January 1987.

3 Mr Parikh submits that a similar matter had been entertained by the State Government in Revision and another Special Civil Application No.3597 of 1997 had come before this Court and in almost identical facts that petition was allowed. I have perused that matter and what Mr Parikh says is correct.

4 Mr Parikh submits that initial order of the Collector has been passed without hearing the petitioner. Mr Vyas cannot dispute this factual aspect. In that view of the matter, impugned orders are required to be set aside. The Collector, Gandhinagar, will hear the petitioner afresh and take necessary decision in this matter. The impugned orders are passed way back in the year 1986. This order is made in view of the petitioner's statement that concerned plot of land has not been allotted to anybody which facts are ascertained and accepted by the respondents. This order is also made on the footing that since nearly ten years have gone in the meanwhile, in the event any order is passed in favour of the petitioner, the petitioner is ready for appropriate revision in the price of land. The Collector will however take into consideration the fact that entire price of the plot of land has been deposited by the petitioner. Needless to state that the respondents will maintain status quo till decision is taken by the Collector. Rule is made absolutely accordingly with no order as to costs.

(mohd)